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7 **UNITED STATES DISTRICT COURT**
8 **CENTRAL DISTRICT OF CALIFORNIA, SOUTHERN DIVISION**
9

10 KATIE CAPPUCCIO,

11 Plaintiff,

12 v.

13 CALIFORNIA STATE UNIVERSITY,
FULLERTON, and DAVID
14 FORGUES, in his individual capacity
and office capacity as Vice President of
15 Human Resources,

16 Defendants.
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Case No. 8:23-cv-2026-FWS-DFM

**DECLARATION OF NICOLE C.
PEARSON IN SUPPORT OF
PLAINTIFF'S SURREPLY IN
SUPPORT OF HER OPPOSITION
TO DEFENDANT'S MOTION FOR
SUMMARY JUDGMENT, OR IN
THE ALTERNATIVE, PARTIAL
SUMMARY JUDGMENT**

Judge: Hon. Fred W. Slaughter
Crtrm.: Santa Ana, 10D
Magistrate: Douglas F. McCormick
Crtrm: Santa Ana, 6B

Hearing:

Date: March 27, 2025
Time: 10:00 a.m.

22 **DECLARATION OF NICOLE C. PEARSON**
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24 I, Nicole C. Pearson, declare as follows:

25 1. I am over 18 years of age and I am an attorney with Yoder Dreher
26 Pearson LLP, attorneys of record for Plaintiff KATIE CAPPUCCIO ("Plaintiff") in
27 the above-entitled matter, and am licensed to practice before this Court. I have
28 personal knowledge of the following facts and, if called as a witness, could and would

1 testify competently thereto. This declaration is submitted in support of Plaintiff's
2 Surreply to the Reply of Defendant CALIFORNIA STATE UNIVERSITY ("CSU"
3 or "Defendant") and her Opposition to Defendant's Motion for Summary Judgment
4 or, in the Alternative, Summary Judgment. ("Motion").

5 2. On March 6, 2025, I caused to be filed on behalf of Plaintiff a Surreply
6 in response to Defendant's Reply, and in support of her Opposition to Defendant's
7 Motion. (Dkt. 87). ("Surreply"). As part of the Surreply, I clarified and completed
8 various excerpts from the depositions of Ms. Cappuccio (Plaintiff), Dr. Forgues, and
9 Lt. Mullaney. While these excerpts are presented in connection with Defendant's MSJ
10 and Reply, and Plaintiff's Opposition, for sake of clarity, and for the Court's ease of
11 reference, by way of this declaration, I am attaching the **complete** excerpts of each
12 deponent's testimony that was relied upon.

13 3. Attached hereto as **Exhibit 55** is a true and correct copy of selected,
14 annotated portions of the deposition testimony of Katie Cappuccio, taken on December
15 11, 2024, cited to – albeit it incompletely – in Defendant's Motion and Reply, and in
16 Plaintiff's Surreply.

17 4. Attached hereto as **Exhibit 71** is a true and correct copy of selected,
18 annotated portions of the deposition testimony of Lieutenant Robert Mullaney, taken
19 on February 12, 2025, cited to – albeit it incompletely – in Defendant's Motion and
20 Reply, and in Plaintiff's Surreply.

21 I declare under penalty of perjury under the laws of the State of California
22 that the foregoing is true and correct.

23 Executed March 20, 2025 in Newport Beach, California.

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26 Nicole C. Pearson
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 20, 2025, a true copy of the foregoing
Memorandum of Law in Opposition to Defendants' Motion to Dismiss was filed
and served via the Court's CM/ECF electronic system on all parties of record.



Nicole C. Pearson